

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. J. RES. 35

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

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## IN THE SENATE OF THE UNITED STATES

APRIL 15, 2002

Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. BAYH, Mr. LOTT, Mr. BREAUX, Mr. ALLARD, Mr. CLELAND, Mr. BUNNING, Ms. LANDRIEU, Mr. CRAIG, Mrs. LINCOLN, Mr. DEWINE, Mr. WYDEN, Mr. FRIST, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mr. SHELBY, Mr. SMITH of Oregon, and Mr. WARNER) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*  
3       *(two-thirds of each House concurring therein),* That the fol-  
4       lowing article is proposed as an amendment to the Con-  
5       stitution of the United States, which shall be valid to all  
6       intents and purposes as part of the Constitution when  
7       ratified by the legislatures of three-fourths of the several

1 States, and which shall take effect on the 180th day after  
2 ratification of this article:

3 “ARTICLE —

4 “SECTION 1. The rights of victims of violent crime,  
5 being capable of protection without denying the constitu-  
6 tional rights of those accused of victimizing them, are  
7 hereby established and shall not be denied by any State  
8 or the United States and may be restricted only as pro-  
9 vided in this article.

10 “SECTION 2. A victim of violent crime shall have the  
11 right to reasonable and timely notice of any public pro-  
12 ceeding involving the crime and of any release or escape  
13 of the accused; the rights not to be excluded from such  
14 public proceeding and reasonably to be heard at public re-  
15 lease, plea, sentencing, reprieve, and pardon proceedings;  
16 and the right to adjudicative decisions that duly consider  
17 the victim’s safety, interest in avoiding unreasonable  
18 delay, and just and timely claims to restitution from the  
19 offender. These rights shall not be restricted except when  
20 and to the degree dictated by a substantial interest in pub-  
21 lic safety or the administration of criminal justice, or by  
22 compelling necessity.

23 “SECTION 3. Nothing in this article shall be con-  
24 strued to provide grounds for a new trial or to authorize  
25 any claim for damages. Only the victim or the victim’s

1 lawful representative may assert the rights established by  
2 this article, and no person accused of the crime may obtain  
3 any form of relief hereunder.

4       “SECTION 4. Congress shall have power to enforce  
5 by appropriate legislation the provisions of this article.  
6 Nothing in this article shall affect the President’s author-  
7 ity to grant reprieves or pardons.

8       “SECTION 5. This article shall be inoperative unless  
9 it shall have been ratified as an amendment to the Con-  
10 stitution by the legislatures of three-fourths of the several  
11 States within seven years from the date of its submission  
12 to the States by the Congress.”.

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